

ESTTA Tracking number: **ESTTA405349**

Filing date: **04/25/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92053754
Party	Defendant Fillpoint, LLC
Correspondence Address	FILLPOINT LLC 200 FILLPOINT DRIVE MECHANICVILLE, NY 12118 UNITED STATES
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Stephen A. Straub
Filer's e-mail	sgjdocketing@roylance.com, ssraub@roylance.com
Signature	/Stephen A. Straub/
Date	04/25/2011
Attachments	58063 - Stipulated Motion to Extend.pdf (3 pages)(89256 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----X
Rational Entertainment Enterprises Limited, :

Petitioner, :

v. : Cancellation No. 92053754

Fillpoint, LLC, :

Respondent. :
-----X

**STIPULATED MOTION TO EXTEND ANSWER, DISCOVERY
AND TESTIMONY PERIOD DEADLINES**

Pursuant to Fed R. Civ. P. 6(b) and Trademark Rule 2.127(a), 37 C.F.R. § 2.127 (a), Respondent and Petitioner, through mutual agreement among counsel, request a 30-day extension of the time to Answer the Petition to Cancel, and an extension of all discovery and testimony deadlines in this proceeding for the good cause recited below. Dates reset to reflect the requested extension appear below pursuant to Trademark Rule 2.121(d), 37 CFR § 2.121(d). Any discovery or related trial date not specifically set forth below, consequently, is also extended for the corresponding number of days from its date set by prior Board order.

The stipulated, extended schedule is as follows:

Time to Answer	5/24/2011
Deadline for Discovery Conference	6/23/2011
Discovery Opens	6/23/2011
Initial Disclosures Due	7/23/2011
Expert Disclosures Due	11/20/2011
Discovery Closes	12/20/2011
Plaintiff's Pretrial Disclosures	2/03/2012
Plaintiff's 30-day Trial Period Ends	3/19/2012

Defendant's Pretrial Disclosures	4/03/2012
Defendant's 30-day Trial Period Ends	5/18/2012
Plaintiff's Rebuttal Disclosures	6/02/2012
Plaintiff's 15-day Rebuttal Ends	7/02/2012

In support of this motion, Respondent states as follows:

1. This request is not made for the purpose of delay and will not prejudice either party in this proceeding.
2. This motion is requested due to the parties' current and potentially ongoing discussions toward settlement by principals of each.
3. Petitioner's counsel, Susan Upton Douglass, stipulated to this extension via email correspondence with Stephen G. Janoski, counsel for Respondent, on April 20, 2011 and the undersigned on April 23, 2011.

Respectfully submitted,

Fillpoint, LLC

Dated: April 25, 2011

By: 


Stephen G. Janoski
Stephen A. Straub
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Attorneys for Respondent

CERTIFICATE(S) OF SERVICE

It is hereby certified that a true and complete copy of the foregoing STIPULATED MOTION TO EXTEND ANSWER, DISCOVERY AND TESTIMONY PERIOD DEADLINES was deposited with U.S. Postal Service, postage prepaid for First Class delivery, this 25th day of April 2011, upon counsel for Applicant at:

Susan Upton Douglass
Fross Zelnick Lehrman & Zissu
866 United Nations Plaza
New York, NY 10017
United States
sdouglass@frosszelnick.com

A handwritten signature in black ink, appearing to read 'S.A. Straub', is written over a horizontal line.

Stephen A. Straub